

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 24, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STEVEN C.,¹

Plaintiff,

v.

ANDREW M. SAUL, Commissioner of
Social Security,

Defendant.

No. 4:19-CV-5274-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

On June 22, 2020, the parties filed a Stipulated Motion for Remand. ECF No. 14. The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings before an administrative law judge (ALJ) for a de novo hearing and a new decision as to Plaintiff Steven C.'s application for supplemental security income payments under Title XVI of the Social Security Act. As part of this de novo hearing on remand, the ALJ is to further evaluate the

¹ To protect the privacy of the social-security Plaintiff, the Court refers to him by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

1 medical opinion evidence, consider whether there is new and material evidence
2 relating to Plaintiff's functioning pursuant to Acquiescence Ruling 97-4(9), offer
3 Plaintiff the opportunity for a new hearing, reconsider Plaintiff's alleged
4 symptoms, evaluate the case under Social Security Ruling 13-2p, and issue a new
5 decision. The parties also agree that Plaintiff is entitled to reasonable attorney
6 fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon
7 proper request to the Court.
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9 Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

- 10 1. The parties' Stipulated Motion for Remand, **ECF No. 14**, is
11 **GRANTED.**
- 12 2. Judgment shall be entered for **Plaintiff.**
- 13 3. This matter is **REVERSED** and **REMANDED** to the Commissioner
14 of Social Security for further administrative proceedings pursuant to
15 sentence four of 42 U.S.C. § 405(g). On remand, the ALJ is to conduct
16 a de novo hearing, including further evaluate the medical opinion
17 evidence, consider whether there is new and material evidence
18 relating to Plaintiff's functioning pursuant to Acquiescence Ruling
19 97-4(9), offer Plaintiff the opportunity for a new hearing, reconsider
20 Plaintiff's alleged symptoms, evaluate the case under Social Security
21 Ruling 13-2p, and issue a new decision application.
- 22 4. All pending motions are **DENIED AS MOOT.**
- 23 5. All hearings and other deadlines are **STRICKEN.**
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1 6. If filed, the Court will consider Plaintiff's motion for fees and
2 expenses under the Equal Access to Justice Act.

3 7. The Clerk's Office is directed to **CLOSE** this file.

4 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
5 and provide copies to all counsel.

6 **DATED** this 24th day of June 2020.

7
8 s/Edward F. Shea
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10 EDWARD F. SHEA
11 Senior United States District Judge
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